

**REMARKS**

In the above-identified Office Action the Examiner has restricted the application to one of two groups of claims, claims 1-11 and 19-25 drawn to a device and claims 12-18 and 26 drawn to a method. Applicant hereby elects Group I, claims 1-11 and 19-25 with traverse.

Applicant has amended claims 1,7, and 12 to add the technical feature "when transmitting forward signals, different beams are made to have different time delays so that they are not coherent with one another even when different beams carry the same information."

Further, Claim 7 has been amended to reflect the limitation when transmitting forward signals, different beams are made to have different time delays in the base band system so that they do not correlate with one another even when the different beams carries the same information.

Both Claims 1 and Claim 7 now include the limitation that different beams are made to have different time delays.

Amended claims 1,7 and claim 12 respectively recite a device and method for realizing beam-forming in a CDMA system and thus are directed to the same inventive concept.

Claim 12, which has been placed into Group II, includes the limitation: "making the base band signals of the fixed beams reflected to corresponding sectors of the base band chips having different time delays." The problem solved by both Claim 1, Claim 7 and Claim 12 is to avoid mutual counteraction among multiple beams forming a common channel. Thus each of the independent claims of the subject application in both Group I and Group II involve the same inventive concept and thus the restriction requirement should be withdrawn.

In addition, Applicant believes the restriction requirement to be improper insofar as the claims of the device and claims of the method are so interlinked as to require that searching be conducted in identical classes. Accordingly, Applicant believes that the

US 10/580,165

search and examination of the entire application could be made without serious burden. Pursuant to MPEP section 803, the Examiner should, therefore, examine the entire application on the merits.


Applicant hereby requests reconsideration and reexamination thereof.

No further fee or petition is believed to be necessary. However, should any further fee be needed, please charge our Deposit Account No. 23-0920, and deem this paper to be the required petition.

With the above amendments and remarks, this application is considered ready for allowance and applicant earnestly solicits an early notice of same. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he/she is respectfully requested to call the undersigned at the below listed number.

US 10/580,165

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald T. Shekleton". The signature is fluid and cursive, with the first name "Gerald" being more prominent and the last name "Shekleton" following in a similar style.

Dated: 9 December 2008

**Gerald T Shekleton**

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